IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT APPEAL No.890 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11-02-2005 in W.P. No.9097 OF 1995 on the file of the High Court.)

Between:

R. Galemma, W/o Late Sriramulu,

R/o. Jagannadhapuram Village,

Wazeedu Mandal, Khammam District.

..... APPELLANT

AND

1) The Commissioner of Survey and Settlements

and Land Records of A.P., at Hyderabad.

2) The Mandal Revenue Officer, Wazeedu Mandal,

Khammam District.

.....RESPONDENT(S)

Counsel for the Appellant: Sri S. PRADEEP KUMAR
Counsel for the Respondents.: G.P. FOR REVENUE

The Court made the following :

JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

The Settlements Officer rejected the claim of the appellant/petitioner for grant of ryotwari patta in respect of the land claimed by her with reference to Survey No.18/1 on the ground that the said land is recorded as 'banjar land' and not forming part of the estate. The appellant aggrieved by the same preferred an appeal before the Director of Settlements, A.P., Hyderabad, and the same was rejected on the ground that there was a delay of one year and 83 days in filing the appeal. Thereafter, the appellant preferred an appeal before the Commissioner of Survey Settlements and Land Records, A.P., Hyderabad, with an explained delay of seven years.

The appellate authority having considered the grounds mentioned and the plea taken by the appellant, rejected the application for condonation of delay and accordingly rejected the appeal itself. Thereafter, the appellant filed writ petition out of which this writ appeal arises after a period of more than two years.

Learned single Judge having perused the order passed by the Director of Settlements, A.P. Hyderabad, as well as the Commissioner of Survey Settlements and Land Records, A.P., Hyderabad, found that they do not suffer from any legal infirmities or errors apparent on the face of the record requiring interference of this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

In this appeal, learned counsel for the appellant submits that the appellant continues to be in possession and enjoyment of the land in question and she could not challenge the order passed by the Settlements Officer by filing appeal within limitation as she is an illiterate and being not aware of the legal

implications. This is not the plea taken by the appellant before the authorities. Her plea was that she was suffering from tuberculosis and in the process there was delay in preferring the appeal. That except her assertion, no evidence or material has been produced before the authorities in support of her plea and the authorities having meticulously examined the case, found no merit in the plea taken by her. Learned single Judge after perusing the entire material available on record found no merit in the plea taken by the appellant. That apart, learned Judge also found that the appellant did not produce any evidence to show that the land in question forms part of the estate for grant of ryotwari patta under the A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970 (Regulation No.II of 1970).

We do not find any error to have been committed
by the learned single Judge in dismissing the writ petition. Learned single Judge did not express any opinion whatsoever on the question as to whether the petitioner is entitled
to continue to be in possession of the land in question.
We do not propose to express any opinion on the said question.

With the observations as above, the Writ Appeal shall stand dismissed without any order as to costs.

B. SUDERSHAN REDDY, J

Date:26-04-2005.

C.V. RAMULU, J

PV

To

1) The Commissioner of Survey and Settlements
and Land Records of A.P., at Hyderabad.

2) The Mandal Revenue Officer, Wazeedu Mandal,
Khammam District.

3) Two C.Cs. to G.P. for Revenue, High Court of A.P.,
Hyderabad.

4) Two C.D. copies.